

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During Summer 2020
Demonstrations.

DECLARATION

20 Civ. 8924 (CM)(GWG)
20 Civ. 10291(CM)(GWG)
20 Civ. 10541(CM)(GWG)
21 Civ. 322(CM)(GWG)
21 Civ. 533(CM)(GWG)
21 Civ. 1904(CM)(GWG)

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JOSEPH KLUBNICK, declares under penalty of perjury and pursuant to 28
U.S.C. § 1746, that the following is true and correct:

1. I am a Lieutenant of the New York City Police Department (“NYPD”).
Since July 11, 2005, I have been assigned to the Strategic Technology Division of the Information
Technology Bureau (“ITB”). My responsibilities included user experience and data quality.

2. This affidavit is based on my personal knowledge, conversations with
members of my command, as well as my review of the books and records maintained by the
NYPD.

3. The NYPD uses Closed-Circuit Television (“CCTV”) systems as a cost-
effective tool to help NYPD personnel obtain real-time and/or recorded visual information, aid in
crime deterrence, reduce incident response times, provide archived video coverage for
investigations and criminal prosecutions, enhance public and officer safety, and provide
infrastructure security.

4. NYPD can access CCTV systems that are owned by the NYPD or owned
by external entities.

5. NYPD CCTV cameras are only installed by the NYPD to monitor areas that are open to the public. Similarly, the NYPD will only agree to access an external entity's CCTV cameras that monitor areas that are open and accessible to the public. The field-of-view of all CCTV cameras accessible to NYPD is strictly limited to public areas and locations.

6. NYPD CCTV cameras capture only video images and are incapable of capturing acoustic data.

7. The ARGUS camera system is part of the CCTV system used by NYPD throughout the five boroughs. The ARGUS cameras are NYPD owned and controlled.

8. The ARGUS camera system is installed at approximately 1,755 locations in New York City. Each ARGUS camera system has two associated cameras enclosed in a container or ARGUS camera box. Therefore, the City has approximately 3,510 ARGUS video system cameras throughout the five boroughs located within 1,755 camera boxes.

9. The ARGUS camera systems are installed only in areas that are open and accessible to the public. ARGUS cameras are not utilized to view windows of private dwellings or the interior of private dwellings or any indoor or outdoor area where a person has a reasonable expectation of privacy.

10. In a 24-hour timeframe of continuous recording, at 15 frames per second and at a resolution of 1280 x 720, one ARGUS camera captures approximately 5-10 gigabytes of video footage.

11. NYPD CCTV systems consist of Network Video Recorders (NVRs) which use hard drives to store recorded video. All CCTV video footage is stored for a period of thirty (30) days after which the NVRs automatically overwrite previously recorded video with the most

recent video images unless the video has been identified to be retained beyond the thirty (30) day retention period.

12. A request to preserve video beyond the thirty (30) day retention may be made by the Deputy Commissioner of Counterterrorism, the Deputy Commissioner of Legal Matters, or their respective authorized designees.

13. On June 10, 2020, a request was submitted by the Legal Bureau to preserve ARGUS system camera footage at specified locations occurring within the period May 28, 2020 through June 8, 2020.

14. To effectuate this preservation request, members of ITB worked with Lower Manhattan Security Initiative (“LMSI”) and the Department’s vendor to identify the ARGUS system cameras at the specified locations and archive all ARGUS system camera footage recorded from May 28, 2020 through June 8, 2020 from those cameras.

15. In total, 1,599 ARGUS system cameras were identified at the specified locations. Out of which recorded video from 1,560 ARGUS system cameras was protected. The archived data from these cameras is between 93 and 187 terabytes. 39 ARGUS system cameras had no recorded video for the period requested. These cameras were down due to short or long term outages for the duration requested.



Joseph Klubnick
Lieutenant

September 28, 2021